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22 Live Ventures Incorporated and John Isaac a/k/a Jon Isaac

23 **UNITED STATES DISTRICT COURT**
24 **DISTRICT OF NEVADA**

25 SECURITIES AND EXCHANGE
26 COMMISSION,

27 Plaintiff,

28 vs.

LIVE VENTURES INCORPORATED;
JANONE INC. (f/k/a Appliance Recycling
Centers of America, Inc.); JOHN ISAAC a/k/a
JON ISAAC; KINGSTON DIVERSIFIED
HOLDINGS LLC; and VIRLAND A.
JOHNSON,

Defendants.

Case No. 2:21-cv-01433-JCM-VCF

**STIPULATION AND PROPOSED
ORDER TO CONTINUE DISCOVERY**

(Second Request)

Pursuant to Local Rule 26-3 and LR IA 6-1, Plaintiff Securities and Exchange Commission (“SEC”), Defendants Live Ventures Incorporated and John Isaac a/k/a Jon Isaac (collectively, the “Live Defendants”), Defendants JanOne, Inc. and Virland Johnson (collectively, the “JanOne

Defendants”), and Kingston Diversified Holdings LLC (“Kingston”), by and through their respective undersigned counsel of record, stipulate, agree, and hereby request that the Court enter an order extending each of the discovery deadlines set forth in the Stipulation and Order to Continue Discovery (ECF 97) by approximately 90 days. As contemplated by LR 26-3, good cause exists to continue the deadlines for this matter as the private, in-person mediation previously scheduled for April 13, 2023 was continued to June 23, 2023 to accommodate an unexpected conflict that arose with respect to the mediator’s availability to conduct the mediation in person. In light of this conflict, the parties agreed to continue the mediation to June 23, 2023 and to extend the discovery deadlines in this matter to accommodate the rescheduled mediation. As set forth in the parties’ prior stipulation, they each seek to complete any other remaining party discovery only after the parties’ attempt to resolve this matter through the mediation. Nothing in this stipulation would prevent the parties from serving and pursuing third-party document subpoenas. This is the parties’ second request for an extension of the discovery deadlines set forth in the Court’s initial Scheduling Order (ECF 85).

A. STATEMENT SPECIFYING THE DISCOVERY COMPLETED (LR 26-3(a))

The parties participated in an initial Rule 26(f) Conference in September 2022.

On October 24, 2022, the SEC served its Initial Rule 26(a) Disclosures. The SEC subsequently produced the documents identified in its initial disclosures.

On October 28, 2022, the Live Defendants served their Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a)(1).

On October 28, 2022, the JanOne Defendants served their Initial Disclosures Pursuant to Federal Rule of Civil Procedure 26(a).

B. A DESCRIPTION OF THE DISCOVERY THAT REMAINS TO BE COMPLETED (LR 26-3(b))

The parties need to complete written discovery including propounding and responding to requests for production, interrogatories and requests for admissions. The parties need to conduct depositions of relevant witnesses and FRCP 30(b)(6) designees of certain corporate entities. The parties also anticipate disclosing both initial and rebuttal experts.

C. THE REASONS WHY THE REMAINING DISCOVERY CANNOT BE COMPLETED WITHIN THE TIME LIMITS SET BY THE DISCOVERY PLAN (LR 26-3(c))

As set forth in the initial discovery stipulation (ECF 97), the parties agreed to participate in a private mediation to be conducted by the Honorable Jay C. Gandhi (Ret.), former United States Magistrate Judge for the Central District of California. The in-person mediation was scheduled for April 13, 2023. An unexpected conflict arose for the mediator preventing him from conducting the mediation in-person on the originally agreed-upon date. The parties conferred and agreed that it was important for the parties to conduct the mediation in-person in order to give them the best opportunity to resolve this dispute and agreed to continue the mediation to a date when the mediator was available to conduct the mediation in person. The mediation has been rescheduled for June 23, 2023.

The parties agree that the remaining discovery deadlines should be continued until a sufficient time after this mediation in order to afford the opportunity to proceed in an efficient manner, leading to the agreed upon proposed discovery schedule set forth below. Nothing in this stipulation would prevent the parties from serving and pursuing third-party document subpoenas.

D. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY (LR 26-3(d))

(a) Discovery Cut-off Date: The deadline for the Parties to complete all fact discovery in this matter shall be extended from October 11, 2023 to **January 9, 2024**.

(b) Initial Expert Disclosures: The deadline for the Parties to make their Rule 26(a) expert disclosures shall be extended from August 11, 2023 to **November 9, 2023**.

(c) Rebuttal Expert Disclosures: The deadline for the Parties to make their Rule 26(a) rebuttal expert disclosures shall be extended from September 11, 2023 to **December 11, 2023**.

(d) Dispositive Motion Deadline: The deadline for the Parties to file their dispositive motions shall be extended from November 10, 2023 to **February 8, 2024**.

(e) Joint Pretrial Order: The deadline for the parties to file their joint pretrial order shall be extended from December 11, 2023 to **March 11, 2024**. Pursuant to LR 26-1(b)(5), in the event dispositive motions are filed, the date for filing the Joint Pretrial Order shall be suspended until thirty (30) days after the entry of a decision on the dispositive motion(s), or upon further order of the Court.

Based on the foregoing stipulation and good cause appearing, the parties respectfully request that the Court enter an order adopting the parties' amended proposed schedule for completing all remaining discovery.

IT IS SO STIPULATED.

Dated this 19th day of April 2023.

**SECURITIES AND EXCHANGE
COMMISSION**

/s/ Lynn M. Dean

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Dated this 19th day of April 2023.

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Dated this 19th day of April 2023.

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Dated this 19th day of April 2023.

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IT IS SO ORDERED.

UNITED STATES MAGISTRATE JUDGE
DATED: _____